UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,770	07/10/2003	Robert V. Nonneman	018360-261264	1969

826   7590   12/26/2007

ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

EXAMINER
ZARE, SCOTT A

ART UNIT	PAPER NUMBER
3627	

MAIL DATE	DELIVERY MODE
12/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-124</u> is/are pending in the application.

    4a) Of the above claim(s) <u>33-61</u> is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-32 and 62-124</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>22 December 2003 and 10 July 2003</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>See Continuation Sheet</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :07/10/2003;
10/28/2003; 12/28/2004; 02/08/2005; 06/20/2005; 08/18/2005; 12/27/2006; 12/27/2006.

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I.   Claims 1-32, 62-124, drawn to a method, computer readable medium, and
computer program for associating package identification data with object
identification data, classified in class 705, subclass 28.

II.   Claims 33-59, drawn to a system for transporting a package, classified in
class 705, subclass 28.

III.   Claims 60-61, drawn to a computer system for accessing data, classified
in class 705, subclass 28.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process and apparatus for its practice. The
inventions are distinct if it can be shown that either: (1) the process as claimed can be
practiced by another and materially different apparatus or by hand, or (2) the apparatus
as claimed can be used to practice another and materially different process. (MPEP §
806.05(e)). In this case the process as claimed can be practiced by another and
materially different apparatus such as a computer linked to a database.

Inventions I and III are related as process and apparatus for its practice. The
inventions are distinct if it can be shown that either: (1) the process as claimed can be
practiced by another and materially different apparatus or by hand, or (2) the apparatus
as claimed can be used to practice another and materially different process. (MPEP §
806.05(e)). In this case I could be performed without the use of a scanner.

Inventions II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination III has separate utility such as being used in e-commerce to sell goods. See MPEP § 806.05(d).

The examiner has required restriction between subcombinations usable together. Where applicant elects a subcombination and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art due to their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

During a telephone conversation with Steven Roth on November 14, 2007, a provisional election was made without traverse to prosecute the invention of I, claims 1-32, 62-124. Affirmation of this election must be made by applicant in replying to this

Office action. Claims 33-61 are withdrawn from further consideration by the examiner,

37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected

invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one

or more of the currently named inventors is no longer an inventor of at least one claim

remaining in the application. Any amendment of inventorship must be accompanied by

a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Information Disclosure Statement

The information disclosure statements (IDS) submitted on 7/10/2003, 8/5/2003,

5/9/2005, 4/27/2007, 6/18, 2007, and 11/10/2007 have been considered by the

examiner.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

Claims 2, 3, 5, 63, 64, 66, 79, 80, 82 are rejected under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly point out and distinctly claim the

subject matter which applicant regards as the invention.

Specifically, claim 1, 62, and 78 recites "an object related to the product." Claim

2, 63, and 79 which depends on claim 1, 62, and 78, respectively, further limits the

object "wherein the object is the product." In view of this limitation, it is

incomprehensible how the object identification data can identify the product related to

the product.

Claim 3, 64, and 80 recites the limitation "the package" in line 1. There is

insufficient antecedent basis for this limitation in the claim.

In regard to claim 5, 66, and 82, it is unclear when reading the claim in light of the

specification what the limitations "a parent" and "at least one child object" intend to

describe. For purposes of this action, "a parent" has been interpreted to mean an item,

and the "at least one child object" has been interpreted to mean an item within the

parent.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-26, 31, 32, 62-101, and 106-116, and 119-121 are rejected under 35

U.S.C. 102(e) as being anticipated by DeVries et al. (US 2003/0009396, filed Jul. 3,

2001, referred hereinafter as "DeVries").

In regard to claim 1, 62, and 78, DeVries shows a method and related computer

program embedded on a computer readable medium which when executed performs

the steps comprising:

- storing package identification data identifying at least one package containing

  one or more products (see paragraph 144, disclosing "Tracking ID"), in

  association with object identification data identifying an object related to the

  product (see paragraph 144, disclosing "Tracking ID").

In regard to claim 2, 63, and 79, DeVries shows a method and computer program

stored on computer-readable medium that when executed performs the steps

comprising as claimed wherein the object is the product. (See paragraph 144, disclosing

"Part Number.")

In regard to claim 3, 64, and 80, DeVries shows a method and computer program

as claimed wherein the object is the package. (See paragraph 148, disclosing

"container.")

In regard to claim 4, 65, and 81, DeVries shows a method and computer program

as claimed wherein the object is a group of packages. (See paragraph 144, disclosing

"Number of Boxes.")

In regard to claim 5, 66, and 82, DeVries shows a method and computer program as claimed wherein the object is a parent containing at least one child object identified by respective object identification data. (See paragraph 50, disclosing that a "Number of Boxes" (i.e., child objects) are packaged as a "Container" (i.e., parent object).)

In regard to claim 6, 67, and 83, DeVries discloses a method and computer program comprising the step of:

* storing event data indicating status of an event related to the package as it is shipped and stored in a carrier network from a sender to a receiver, in association with the package identification data. (See paragraph 145.)

In regard to claim 7, 68, and 84, DeVries further shows a method and computer program as claimed wherein the event data comprises description data describing the event associated with the event data. (See paragraph 145.)

In regard to claim 8, 69, and 85, DeVries further shows a method and computer prgoram as claimed wherein the description of the event comprises at least one of "package pick up," "package received at pickup distribution hub," "package exited pickup distribution hub," "package on long-haul transport," "package off long-haul transport," "package arrived at receive distribution hub," "package exited receive distribution hub," and "package delivered." (See paragraph 151, disclosing "Intermediate Location.") It should be noted that the specific quoted limitations in claim

8 are merely nonfunctional printed matter. USPTO personnel need not give patentable weight to printed matter absent a new and unobvious functional relationship between the printed matter and the substrate. See In re Lowry, 32 F.3d1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994); In re Ngai, 367 F.3d1336, 70 USPQ2d 1862 (Fed. Cir. 2004). Thus, the limitations are given no patentable weight.

In regard to claim 9, 70, and 86, DeVries further shows a method and computer program as claimed wherein the event data comprises location data indicating a location at which the event occurred. (See paragraph 151, disclosing "Intermediate Locations.")

In regard to claim 10, 71, and 87, DeVries further shows a method and computer program as claimed wherein the location includes at least one of a drop location (see paragraph 148, disclosing "To" addresses), carrier store, service center, pickup vehicle, sender's location (see paragraph 64, disclosing "From" address), package intake of send distribution hub (see paragraph 69, disclosing "Intermediate Locations"), package outlet of send distribution hub (see paragraph 69, disclosing "Intermediate Locations"), package inlet to long-haul transport (see paragraph 69, disclosing "Intermediate Locations"), package outlet to long-haul transport (see paragraph 69, disclosing "Intermediate Locations"), package intake of receive distribution hub (see paragraph 69, disclosing "Intermediate Locations"), package outlet of receive distribution hub (see

paragraph 69, disclosing "Intermediate Locations"), and receiver's location (see

paragraph 148, disclosing "To" addresses).

<u>In regard to claim 11, 72, and 88</u>, DeVries further shows a method and computer

program as claimed wherein the event data comprises data indicating the date and time

on which the event occurred. (See paragraph 154, disclosing setting the Date Sent field

to the system date and time.)

<u>In regard to claim 12, 73, and 89</u>, DeVries shows a method and computer

program as claimed further comprising:

- tagging at least one of the package identification data, object identification

  data, and event data. (See paragraph 89, disclosing "tracking tag.")

<u>In regard to claim 13, 74, and 90</u>, DeVries shows a method and computer

program as claimed further comprising:

- tagging at least one of the package identification data and object identification

  data. (See paragraph 89, disclosing "tracking tag.")

<u>In regard to claim 14, 75, and 91</u>, DeVries shows a method and computer

program as claimed further comprising:

- receiving the object identification data. (See paragraph 185, disclosing

  receiving data through a remote bar code reader.)

In regard to claim 15 and 76, DeVries shows a method and computer program as claimed further comprising:

- generating the package identification data. (See paragraph 14, disclosing "the TESS generated unique tracking identification code.")

In regard to claim 16, DeVries further shows a method and computer program as claimed further comprising:

- receiving the event data. (See paragraph 145, disclosing "recording the date sent.")

In regard to claim 17 and 92, DeVries shows a method and computer program embedded on a computer readable medium, that when executed, perform the steps comprising:

- receiving object identification data identifying an object directly or indirectly associated with a product (see paragraph 71, disclosing "Inventory Parts Table");
- obtaining package identification data identifying a package in which the product is shipped (see paragraph 90, disclosing "Tracking ID");
- linking object identification data to package identification data (see paragraph 91, disclosing that the "Tracking ID" is used through out TESS to link tables and processes);

- generating shipping label including package identification data (see

  paragraph 85, disclosing generating a "Shipping Label");

- providing shipping label to a sender of the package (see paragraph 199,

  disclosing that the Shipping Module user prepares the outgoing shipping

  label);

- transporting package with product and having shipping label from the sender

  to a receiver (see paragraph 146, disclosing that a user sends a container

  from one workstation to another workstation);

- receiving event data generated at one or more portals as the package is

  transported from sender to receiver (see paragraph 145, disclosing that TESS

  records the date sent in the Tracking Table); and

- storing event data in correspondence with the linked object identification data

  and package identification data (see paragraph 145, disclosing that TESS

  records the date sent in the Tracking Table).

In regard to claim 18 and 93, DeVries shows a method and computer program as

claimed wherein the object is the product. (See paragraph 144, disclosing "Part

Number.")

In regard to claim 19 and 94, DeVries shows a method and computer program as

claimed wherein the object is the package. (See paragraph 148, disclosing "container

number.")

In regard to claim 20 and 95, DeVries shows a method and computer program as

claimed wherein the object is a group of packages. (See paragraph 144, disclosing

"Number of Boxes.")

In regard to claim 21 and 96, DeVries shows a method and computer program as

claimed wherein the object is a parent that comprises at least one child object identified

by respective object identification data. (See paragraph 50, disclosing that a "Number of

Boxes" (i.e., child objects) are packaged as a "Container" (i.e., parent object).)

In regard to claim 22 and 97, DeVries shows a method and computer program as

claimed wherein the object identification data is received from the computer system of

the sender of the package. (See paragraph 71, disclosing "Inventory Parts Table.")

In regard to claim 23 and 98, DeVries shows a method as claimed in claim 17

wherein the received object identification data is generated by a scanner of one of the

portals. (See paragraph 147, disclosing portable barcode readers.)

In regard to claim 24 and 99, DeVries shows a method and computer program

claimed wherein the package identification data is obtained by receiving the package

identification data from the computer system of the sender of the package. (See

paragraph 147.)

In regard to claim 25, DeVries shows a method as claimed in claim 17 wherein

the package identification data is obtained by generating the package identification

data. (See paragraph 14, disclosing "the TESS generated unique tracking identification

code.")

In regard to claim 26 and 101, DeVries shows method and computer program

embedded on a computer-readable medium, which executed, performs the steps as

claimed further comprising:

- tagging at least one of the object identification data, package identification

  data, and event data. (See paragraph 89, disclosing "tracking tag.")

In regard to claim 31 and 106, DeVries shows a method and computer program

comprising:

- receiving object identification data, package identification data, and event

  data and corresponding tags (see paragraphs 143-148, disclosing Tracking

  Tags may also be tracked and scanned); and

- storing the object identification data, package identification data, and event

  data in a data storage unit in association with the tags (see paragraph 91,

  disclosing that all data is stored in linked tables).

In regard to claim 32 and 107, DeVries shows a method and computer program comprising:

- receiving a request from a computer system to access data with object identification data and tags (see paragraph 20, disclosing that the system allows suppliers visible access to inventories of their own products on the user's site; see also paragraph 128, in which a user may "search for parts in TESS by various reference fields);

- retrieving data from a data storage unit based on the object identification data and tags (see paragraphs 143-148, disclosing Tracking Tags may also be tracked and scanned); and

- transmitting the retrieved data to the computer system generating the request (see paragraphs 143-148, disclosing Tracking Tags may also be tracked and scanned).

In regard to claim 77, DeVries shows a computer-readable medium as claimed in claim 62 wherein the computer program can be executed by the computer to generate the event data associated with the product in response to receiving data from a scanner of a portal through which the package and contained product passes. (See paragraph 147.)

In regard to claim 100, DeVries shows a computer-readable medium as claimed in claim 92 wherein the computer program is executed by the computer to generate the package identification data in a shipping label provided from a computer system to the

sender of the package. (See paragraph 14, indicating that the Tracker ID is generated by the TESS and is included in the Shipping label; see paragraph 196.)

In regard to claim 108, DeVries shows a computer-readable medium as claimed in claim 107 wherein the object is the product. (See paragraph 144, disclosing "Part Number.")

In regard to claim 109, DeVries shows a computer-readable medium as claimed in claim 107 wherein the object is a package containing the products. (See paragraph 148, disclosing "container number.")

In regard to claim 110, DeVries shows a computer-readable medium as claimed in claim 107 wherein the object is a group of packages containing the products. (See paragraph 144, disclosing "Number of Boxes.")

In regard to claim 111, DeVries shows a computer-readable medium as claimed in claim 107 wherein the object is a parent comprising at least one child object with respective object identification data. (See paragraph 50, disclosing that a "Number of Boxes" (i.e., child objects) are packaged as a "Container" (i.e., parent object).)

In regard to claim 112, DeVries shows a method as claimed in claim 1 further comprising:

- associating package identification data with the package. (See paragraph 85, disclosing that the label is placed on the package.)

In regard to claim 113. A method as claimed in claim 112 wherein the associating comprises substeps of:

- generating a shipping label including package identification data (see paragraph 199, disclosing preparing the shipping label); and

- attaching the shipping label to the package (see paragraph 85, disclosing that the label is placed on the package).

In regard to claim 114, DeVries shows a method as claimed in claim 1 further comprising:

- scanning the package identification data from the package (see paragraph 147).

In regard to claim 115, DeVries shows a method as claimed in claim 114 wherein the package identification data is scanned from a shipping label attached to the package (see paragraph 147).

In regard to claim 116, DeVries shows a method as claimed in claim 114 wherein the package identification data comprises a barcode that is optically scanned (see paragraph 147).

In regard to claim 119, DeVries shows a method as claimed in claim 1 further

comprising:

- scanning the object identification data from the product (see paragraph 147).

In regard to claim 120, DeVries shows a method as claimed in claim 119 wherein

the object identification data is optically scanned. (see paragraph 147).

In regard to claim 121, DeVries shows a method as claimed in claim 119 wherein

the object identification data is encoded in a barcode that is optically scanned. (see

paragraph 147).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 27-30, 102-105, 117, 118, 122-124 are rejected under 35 U.S.C. 103(a) as

being unpatentable over DeVries in view of Silverbrook et al. (US 2003/0195820, filed

Apr. 9, 2003, referred hereinafter as "Silverbrook").

In regard to claim 27 and 102, while DeVries shows a method and computer program further comprising:

- transmitting object identification data, package identification data, and event data to an object, DeVries does not show transmitting that data to a naming service (ONS) computer system.

Silverbrook shows:

- transmitting object identification data, package identification data, and event data to an object naming service (ONS) computer system. (See paragraphs 653-659.)

It would have been obvious to one of ordinary skill in the art to modify DeVries to include transmitting the data to an object naming service (ONS) computer system because it would allow the user "to allow individual product items to be uniquely identified and thereby tracked." (See Silverbrook, paragraph 655.)

In regard to claim 28 and 103, DeVries does not show a method and computer program as claimed further comprising:

- transmitting object identification data to an object naming service (ONS) computer system;

- receiving a network address corresponding to the object identification data from the ONS computer system; and

- transmitting the object identification data, package identification data, and event data to a physical mark-up language (PML) computer system using the received network address.

Silverbrok et al. shows:

- transmitting object identification data to an object naming service (ONS) computer system (see paragraph 657, disclosing "an EPC is scanned");

- receiving a network address corresponding to the object identification data from the ONS computer system (see paragraph 657, disclosing "an EPC is scanned"); and

- transmitting the object identification data, package identification data, and event data to a physical mark-up language (PML) computer system using the received network address (see paragraphs 657, disclosing "[the EPC] is used to look up, possibly via the ONS, matching product information portably encoded in PML").

It would have been obvious to one of ordinary skill in the art to modify DeVries to include transmitting the data to an object naming service (ONS) computer system because it would allow the user "to allow individual product items to be uniquely identified and thereby tracked." (See Silverbrook, paragraph 655.)

In regard to claim 29 and 104, DeVries shows:

- transmitting the object identification data and package identification data from the requesting computer system to an additional computer system (see

paragraph 206, disclosing "The Supplier Module Internet interface permits

separate TESS installations to link with each other); and

- storing the object identification data in association with the package

  identification data in the additional computer system (see paragraph 144,

  disclosing "Tracking ID").

DeVries does not show:

- receiving object identification data from a requesting computer system;

- retrieving a network address for a physical mark-up language (PML)

  computer system based on the object identification data;

- transmitting the network address to the requesting computer system;

- receiving the network address at the requesting computer system;

Silverbrook shows a method comprising:

- receiving object identification data from a requesting computer system (see

  paragraph 657, disclosing "an EPC is scanned");

- retrieving a network address for a physical mark-up language (PML)

  computer system based on the object identification data (see paragraphs 657,

  disclosing "[the EPC] is used to look up, possibly via the ONS, matching

  product information portably encoded in PML");

- transmitting the network address to the requesting computer system (see

  paragraphs 657, disclosing "[the EPC] is used to look up, possibly via the

  ONS, matching product information portably encoded in PML");

- receiving the network address at the requesting computer system (see

   paragraphs 657, disclosing "[the EPC] is used to look up, possibly via the

   ONS, matching product information portably encoded in PML");

It would have been obvious to one of ordinary skill in the art to modify DeVries to

include a network address for a physical mark-up language (PML) computer system

because it would allow the user "to allow individual product items to be uniquely

identified and thereby tracked." (See Silverbrook, paragraph 655.)

In regard to claim 30 and 105, Silverbrook shows a method and computer

program comprising:

- receiving object identification data, package identification data, and event

   data at an object naming service (ONS) computer system;

- retrieving a network address for the PML computer system using object

   identification data (see paragraphs 657, disclosing "[the EPC] is used to look

   up, possibly via the ONS, matching product information portably encoded in

   PML"); and

- transmitting object identification data, package identification data, and event

   data to the PML computer system using the network address (see paragraphs

   657, disclosing "[the EPC] is used to look up, possibly via the ONS, matching

   product information portably encoded in PML").

It would have been obvious to one of ordinary skill in the art to modify DeVries to

include receiving data from an object naming service (ONS) computer system, retrieving

a network address for the PML computer system, and transmitting data using the

network address, because it would allow the user "to allow individual product items to

be uniquely identified and thereby tracked." (See Silverbrook, paragraph 655.)

In regard to claim 117, Silverbrook further shows a method as claimed in claim

114 wherein the package identification data comprises a tag that is electromagnetically

scanned. (See paragraph 656, disclosing RFID tags.)

It would have been obvious to one of ordinary skill in the art to modify DeVries to

include a tag that is electromagnetically scanned because that provides the advantage

of "omnidirectional reading." (See Silverbrook, paragraph 656.)

In regard to claim 118, Silverbrook further shows a method as claimed in claim

117 wherein the tag is a radio frequency identification (RFID) tag. (See paragraph 656,

disclosing RFID tags.)

It would have been obvious to one of ordinary skill in the art to modify DeVries to

include a RFID tag that is electromagnetically scanned because that provides the

advantage of "omnidirectional reading." (See Silverbrook, paragraph 656.)

In regard to claim 122, Silverbrook further shows a method as claimed in claim

119 wherein the object identification data is scanned from a product inside of the

package. (See paragraphs 655-659, disclosing "omnidirectional reading.")

It would have been obvious to one of ordinary skill in the art to modify DeVries to include a tag that is electromagnetically scanned because that provides the advantage of "omnidirectional reading." (See Silverbrook, paragraph 656.)

In regard to claim 123, Silverbrook further shows a method as claimed in claim 119 wherein the object identification data is electromagnetically scanned from a tag associated with the product. (See paragraph 656, disclosing RFID tags.)

It would have been obvious to one of ordinary skill in the art to modify DeVries to include a tag that is electromagnetically scanned because that provides the advantage of "omnidirectional reading." (See Silverbrook, paragraph 656.)

In regard to claim 124, Silverbrook further shows a method as claimed in claim 123 wherein the tag comprises a radio frequency identification (RFID) tag. (See paragraph 656, disclosing RFID tags.)

It would have been obvious to one of ordinary skill in the art to modify DeVries to include a RFID tag that is electromagnetically scanned because that provides the advantage of "omnidirectional reading." (See Silverbrook, paragraph 656.)

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Monteleone et al., US 2002/0046130 (Method and apparatus for communicating order entries in a network environment)

Robbins, US 2003/0182265 (Delivery tracking system)

Williams et al., US 2002/0032573 (Online, multi-parcel, multi-carrier, multi-service enterprises parcel shipping management)

Joyce et al., US 2004/0153379 (Consolidated shipping and distribution of multiple orders with returns)
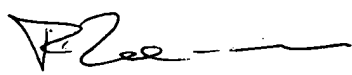
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott A. Zare whose telephone number is (571) 270-3266. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Scott A. Zare
November 26, 2007
Art Unit 3627

F. RYAN ZEENDER
SUPERVISORY PATENT EXAMINER